$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010474862026**

\+ CRL.M.C. 7393/2026 & CRL.M.A. 30933/2026

ATUL JAKHWAL & ORS. .....Petitioners

Through: Mr. Lalit Kumar, Mr. Rishabh, Advs. with Petitioner No. 1 (through VC)

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Sanjeev Sabharwal, APP
ASI Ram Kumar, P.S. Badarpur

Mr. Siddhant Gautam, Adv. for R-2

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 01.10.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [‘BNSS’], seeking quashing of FIR No. 428/2022, dated 26.09.2022 (‘subject FIR’), registered at Police Station Badarpur, under Sections 498-A/406/34 of the Indian Penal Code, 1860 [‘IPC’], along with all consequential proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.

2. Issue notice. Mr. Sanjeev Sabharwal, learned Additional Public Prosecutor, accepts notice on behalf of the Respondent No.1.

3. Mr. Siddhant Gautam, learned counsel for Respondent No. 2, appears on advance service and accepts notice.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

4. Petitioner No. 1 has joined the proceedings through VC, is represented by counsel and identified by the Investigation Officer ('I.O'). Petitioner Nos. 2 and 3 have not joined the proceedings. It is stated that Petitioner No. 2 is unwell and Petitioner No. 3 has taken her to the medical dispensary and therefore they are unable to attend these proceedings. It is also stated that counsel for the Petitioner was unable to apprise the Petitioners about the listing today and therefore they were unable to travel from Pune-Maharashtra.

5. Respondent No. 2 is personally present in Court and is represented by her counsel and identified by the I.O.

6. It is stated that Petitioner No. 1 and Respondent No. 2 were married on 09.12.2021. Due to matrimonial discord and temperamental differences between the parties, they have been living separately since 13.02.2022. No child was born from the wedlock.

7. During separation, at the instance of Respondent No. 2, the subject FIR was registered. Upon completion of the investigation, a chargesheet was filed against the Petitioners. The matter is at the stage of arguments on charge, and charges are yet to be framed.

8. During the pendency of the proceedings, the parties amicably resolved all their disputes by way of a Settlement dated 24.01.2026 before the Counselling Cell, Saket Courts, Delhi, to put a quietus to the dispute.

9. The Settlement contemplates payment of Rs. 15,00,000/- and jewellery articles to Respondent No. 2 towards full and final settlement of all claims and disputes. The said amount was agreed to be paid in 3

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

instalments, namely, Rs.10,50,000/- along with the jewellery articles at the time of recording the statements in the first motion petition under Section 13(B)(1) of the Hindu Marriage Act, 1955 ['HMA']; Rs. 2,00,000/- at the time of recording of statements in the second motion petition under Section 13(B)(2) of the HMA; and the remaining Rs. 2,50,000/- at the time of quashing of the present FIR. It is stated that a sum of Rs. 12,50,000/- already stands paid to Respondent No. 2 through a demand draft and the balance amount of Rs. 2,50,000/- is being paid to her today by a Demand Draft No. 039101, dated 30.09.2026 drawn upon Standard Chartered Bank.

10. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

11. Pursuant to the aforesaid settlement, the marriage between the Petitioner No. 1 and Respondent No. 2 stands dissolved by a decree of divorce by mutual consent, *vide* judgment dated 04.07.2026 passed by the Family Court in HMA No. 1038/2026.

12. In light of the aforesaid, the parties seek quashing of the impugned FIR and all consequential proceedings emanating therefrom.

13. Learned APP submits that State has no objection to the relief of quashing prayed for in light of the amicable resolution.

14. This Court has interacted with Respondent No. 2. She confirms the submissions made by the petitioner. She also confirms that she has executed the affidavit recording her no objection with respect to quashing of the subject FIR, which is annexed as Annexure-T at running page 76 of this petition. She states that in view of the amicable resolution of disputes, she

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

does not want to pursue this FIR any further. She confirms the receipt of the jewellery, Rs. 12,50,000/- during divorce proceedings and a demand draft for the balance amount of Rs. 2,50,000/- today.

15. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected. Reference in this connection can be made to the judgment in **Gian Singh v. State of Punjab and Anr.**[1], which held as follows:

> "58. Where the High Court quashes a criminal proceeding having regard to the fact that the **dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor**. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of **matrimony**, particularly relating to dowry, etc. or the family dispute, **where the wrong is basically to the victim and the offender and the victim have settled all disputes between them**

[1] (2012) 10 SCC 303

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

> **amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated**. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."
>
> (Emphasis supplied)

16. Further, in **Narinder Singh & Ors. v. State of Punjab &Anr**.[2], the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

> "29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:
>
> 29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.
>
> **29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:**
> **(i) ends of justice, or**
> **(ii) to prevent abuse of the process of any court.**
> **While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives.**
>
> 29.3. Such a power is not to be exercised in those prosecutions which

[2] (2014) 6 SCC 466

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

> involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.
>
> 29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.
>
> 29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."
>
> (Emphasis supplied)

17. In the present case, the proceedings emanate from a matrimonial dispute between the parties, whose marriage has already been dissolved by a decree of divorce by mutual consent. Applying the tests laid down by the Supreme Court, it may be observed that the Respondent No. 2 has also categorically affirmed the voluntary nature of the Settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and their continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Further, this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS, 2023.

18. Having regard to the above discussion, the petition is allowed, and FIR No. 428/2022, dated 26.09.2022, registered at Police Station Badarpur,

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31

under Sections 498-A/406/34 of IPC, charge-sheet along with all consequential proceedings arising therefrom, is hereby quashed.

19. The parties shall remain bound by the terms of the settlement.

20. The petition, along with the pending application, accordingly stands disposed of.

21. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihigsshcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 1, 2026/mt/aj

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:25:31